

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

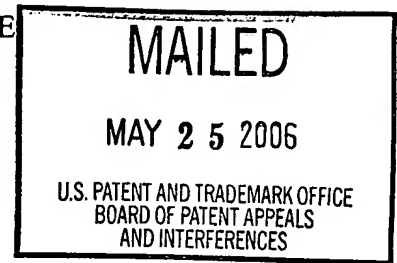
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Ex parte: PAVEL G. POLYNKIN,  
MARK H. GARRETT and JEFFREY P. WILDE

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Application No. 10/033,549

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ORDER RETURNING UNDOCKETED APPEAL

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This application was electronically received at the Board of Patent Appeals and Interferences on April 10, 2006 . A review of the application has revealed that the application is not ready for review and consideration. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

**EXAMINER'S ANSWER**

On January 18, 2006, an Examiner's Answer was mailed in response to the Appeal Brief received October 3, 2005. The rejections listed in the Examiner's Answer included:

- 1) Claims 1-7, 32 and 35 under 35 U.S.C. §103(a) over Stafford [5,504,575] in view of Tobias [5,483,335] (see page 3).

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However, the explanation for the rejection that follows includes an explanation under 35 U.S.C. §103(a) for claims 8-11. The above mentioned discrepancies cause confusion as to which claims are rejected. Appropriate clarification is required.

A further view of the Examiner's Answer mailed January 18, 2006, reveals that it is not in compliance with the Manual of Patent Examining Procedure, MPEP § 1207.02, which states:

(8) Evidence Relied Upon

A listing of evidence relied on (e.g., patents, publications, admitted prior art), and in the case of non-patent references, the relevant page or pages.

Appropriate correction of the record is required.

**CONCLUSION**

Accordingly, it is

Ordered that the application is remanded to the Examiner to

1) vacate the Examiner's Answer mailed January 18, 2006;

2) issue a revised Examiner's Answer to include all required sections as set forth in

37 CFR § 41.37;

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3 ) set forth all pertinent rejections; and

4) for such further action as may be deemed appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e. abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

A handwritten signature in black ink, appearing to read 'Dale M. Shaw', is written over a horizontal line.

DALE M. SHAW  
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DMS/dpv

Application No. 10/033,549

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